

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF TENNESSEE  
AT NASHVILLE**

**ALEXANDER L. BAXTER,**

**Plaintiff,**

**v.**

**SPENCER HARRIS, et al.**

**Defendants.**

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**No. 3:15-cv-19**

**Judge Sharp  
Magistrate Judge Knowles**

**JURY DEMAND**

**OFFICER BRAD BRACEY'S  
MOTION TO DISMISS**

Officer Brad Bracey moves for dismissal of all claims against him pursuant to Fed. R. Civ. P. 12(b)(6) because he is entitled to qualified immunity. The amended complaint fails to allege sufficient facts that Officer Bracey failed to intervene during the use of another officer's K-9 police dog. Likewise, the amended complaint fails to sufficiently allege that Officer Bracey "assaulted" Plaintiff. Officer Bracey did not know that the K-9 would be used and did not have the opportunity or the ability to stop the use of the K-9. Additionally, the amended complaint does not establish that Officer Bracey's actions violated any clearly established right of the Plaintiff. For these reasons, Officer Bracey is entitled to dismissal of all claims against him.

For each of these reasons, and as outlined in more detail in the memorandum of law filed contemporaneously herewith, Officer Bracey respectfully requests that the Court grant his motion to dismiss.

Respectfully submitted,

THE DEPARTMENT OF LAW OF THE  
METROPOLITAN GOVERNMENT OF  
NASHVILLE AND DAVIDSON COUNTY  
SAUL SOLOMON (#11689)  
DIRECTOR OF LAW

/s/Melissa Roberge  
Keli J. Oliver (#21023)  
Melissa Roberge (#26230)  
Assistant Metropolitan Attorneys  
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P.O. Box 196300  
Nashville, Tennessee 37219

**CERTIFICATE OF SERVICE**

This is to certify that a copy of the foregoing was delivered via U.S. Mail to the following:

Alexander L. Baxter  
#68360  
Davidson County Sheriff's Office  
P.O. Box 196383  
Nashville, TN 37219-6383

on the 24th day of July, 2015.

/s/Melissa Roberge  
Melissa Roberge